

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-52 are pending. Claims 1, 18, 32, and 51-52, which are independent, are hereby amended. Support for this amendment is provided in the Specification as originally filed and specifically at pages 5-6.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101**

Claims 1-17 were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

Applicants note that page 13, lines 18 and 19 of the Specification states that “various implementations of the invention are realized in electronic hardware, computer software, or combinations of these technologies.”

To assert that this limits the invention to software alone ignores the implementation in electronic hardware or combination of hardware and software.

### III. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-52 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,152,824 to Rothschild, et al. (hereinafter, merely "Rothschild").

Claim 1 recites, *inter alia*:

"wherein said request handler exchanges data with said environment information database in the course of processing a received request sent by a user requesting latency, a performance level of the one or more network environments, and at least one recommended environment from the one or more network environments before the user makes a connection to the one or more network environments." (Emphasis added)

The present application generally relates to a network enabled game console connecting to an information server before connecting to a gaming environment for the purpose of retrieving information on available networks in order to connect to the most desirable network.

As understood by Applicants, Rothschild relates to online gaming system and process arranged in a client/server online gaming architecture and utilized to run gaming programs.

Applicants submit that Rothschild does not teach or suggest the above-identified features of claim 1. Specifically, there is no teaching or suggestion of wherein said request handler exchanges data with said environment information database in the course of processing a received request sent by a user requesting latency, a performance level of the one or more network environments, and at least one recommended environment from the one or more

network environments before the user makes a connection to the one or more network environments, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claims 18, 32, and 51-52 are also believed to be patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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